IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (Lodg.) NO. 1371 OF 2007

Bandra (East) Ghausia Compound
Co-op. Housing Soicety Ltd. ... Petitioner.
Versus
State of Maharashtra & Ors... .... Respondents.

Mr. V. A. Thorat with Mr. S. G. Surana
for the Petitioner.
Mr. K.R.Belosey, Off. Government Pleader
for Respondent Nos.1 and 2.
Mr.G.D.Utangale i/by M/s. Utangale & Co., for
Respondent Nos.3 and 4.
Mr.P.K.Dhakephalkar with Mr. A.C.Singh i/by Mr. D. R.
Shah for Respondent No.5.
Mr. Rakesh Khanna with Mr.Suresh Kait i/by
Mr.U.Upadhyay for Respondent No.6 in W.P. 1685/2006.

CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

DATED : 17TH AUGUST, 2007.

P.C.:

Learned Counsel appearing for the Slum Rehabilitation Authority submits that the petitioner has approached this Court in an undue hurry. The representation was made to the Competent authority in Slum Rehabilitation Authority only on 11th June, 2007 while the present Writ Petition is filed on 15th June, 2007. He further states that the Slum Rehabilitation Authority would have no objection to consider the same on merits and after hearing the Developers as well as

the petitioner would pass appropriate order in accordance with law.

2. Learned Counsel appearing for the Developers, however, submits that the provisions of Section 13(2) of the Maharashtra Slum Areas (I.C. & R.) Act, 1971 empowering the Authority to hear the representation and pass order adverse to the interest of the petitioner would not be effective in the present case.

3. Keeping in view the statement made on behalf of the respondent - Slum Rehabilitation Authority, we dispose of this writ petition with direction to them to deal with the matter in accordance with law and pass appropriate order. We also leave the question of jurisdiction raised on behalf of the respondent-Developers open for determination by the Authority in accordance with law.

4. Writ Petition is, accordingly, disposed of. No order as to costs.

Sd/-

CHIEF JUSTICE

Sd/-

DR.D.Y.CHANDRACHUD, J.